

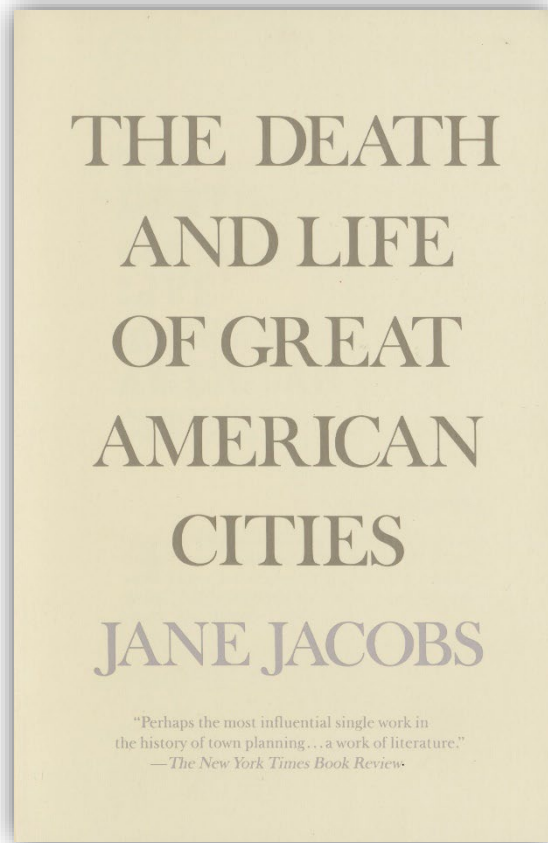
city of yes

for Economic
Opportunity

CPC Review Session

October 30, 2023





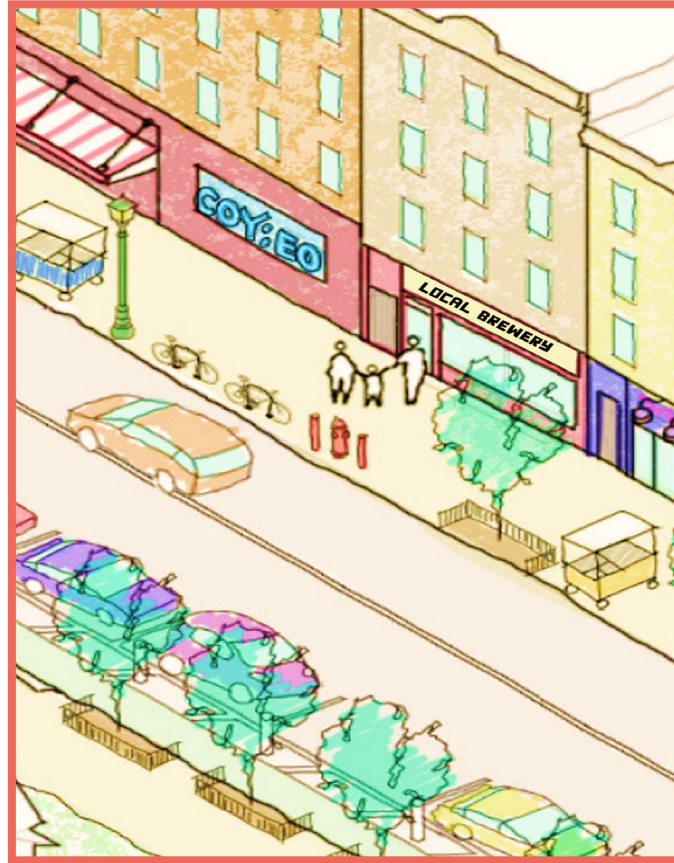
“Among the most admirable and enjoyable sights to be found along the sidewalks of big cities are the ingenious adaptations of old quarters to new uses ...”

- Jane Jacobs, *Death and Life of Great American Cities* (1961), P. 176.

How does zoning affect businesses in NYC neighborhoods?



Where can I open my business?



What can I do in my space?



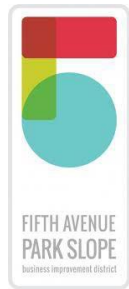
Where can I expand?

Partners and Advocates


For City of Yes for Economic Opportunity, we've worked closely with members of the public, partner agencies, and dozens of non-profit and private-sector groups – to learn how zoning can help support their needs.

Meetings with **100+** stakeholder organizations


Five open-to-the-public pre-referral info sessions




Zoning often presents a barrier to opening, operating, and expanding a business in NYC




There are way too many storefront vacancies. Can't we do something?




If I don't bother anyone, why can't I start a business in my home?




I have so many new customers. Please let me expand my bakery.



I'm confused: can I do my critical life sciences work in New York City or not?



Why does the City not allow me to have my office on the 2nd floor?



A comedy night would be a great addition to my restaurant.

City of Yes for Economic Opportunity: Goals

Goal 1:

Make it easier for businesses to find space and grow

Lift barriers so businesses can be closer to their customers.

Goal 2:

Boost growing industries

Reduce obstacles for new types of businesses.

Goal 3:

Enable more business-friendly streetscapes

Deliver active, safe, and walkable streets for businesses and residents

Goal 4:

Create new opportunities for businesses to open

Establish new zoning tools to boost job growth and business expansion

Summary of proposals

Goal 1

Make it easier for businesses to find space and grow

1. **Lift time limits** to reactivating vacant storefronts
2. **Simplify rules** for business types allowed on commercial streets
3. Expand opportunities for **small-scale clean production**
4. Modernize **loading dock** rules so buildings can adapt over time
5. Enable commercial activity on **upper floors**
6. **Simplify and modernize** how businesses are classified in zoning

Goal 2

Boost growing industries

7. Clarify rules to permit indoor **urban agriculture**
8. Give **life sciences** companies more certainty to grow
9. **Support nightlife** with common-sense rules for dancing and live entertainment
10. Create more opportunities for **amusements** to locate
11. Enable entrepreneurship with modern rules for **home-based businesses**

Goal 3


Enable more business-friendly streetscapes

12. Introduce **corridor design rules** that promote better activate ground floors
13. Reduce conflicts between **auto repair** shops and pedestrians
14. Encourage safe and sustainable deliveries with **micro-distribution**

Goal 4

New opportunities for businesses

15. Facilitate **local commercial space** on residential campuses
16. Create process for allowing **corner stores** in residential areas
17. Rationalize **waiver process** for adapting spaces for industries like film
18. Create **new kinds of zoning districts** for future job hubs



Goal 1:

Make it easier for businesses to find space and grow

Goal 2:

Boost growing industries

Goal 3:

Enable more business-friendly streetscapes

Goal 4:

Create new opportunities for businesses to open

Goal 1 Make it easier for businesses to find space and grow

NYC has thousands of **vacant storefronts**. Zoning can make it harder to fill these spaces.



Modern, **clean manufacturing businesses** can't locate in central areas because our rules haven't kept up with environmental regulations.



We make **arbitrary distinctions** about where businesses can locate—even on opposite sides of the same street.



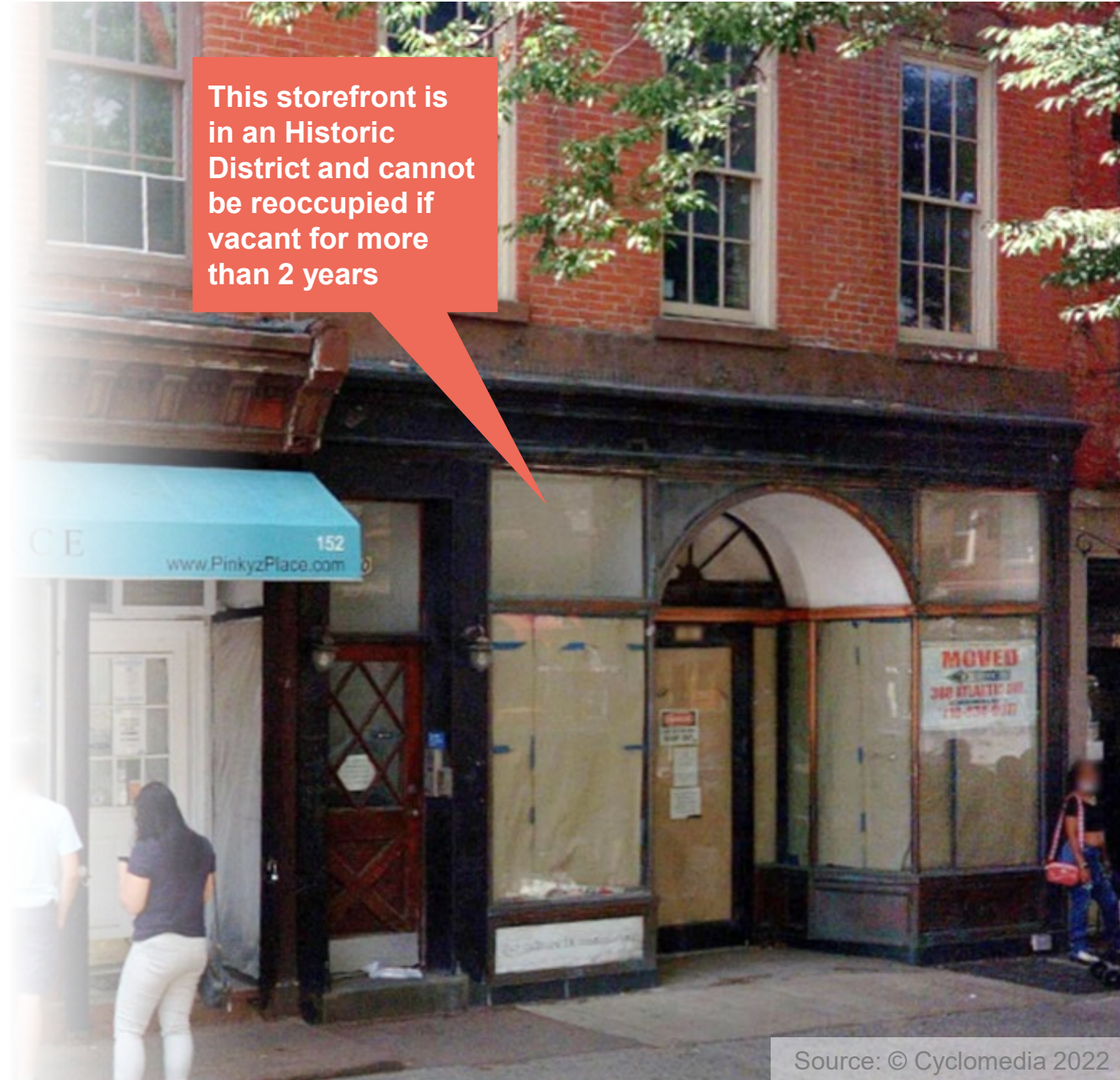
Zoning terms classifying **businesses haven't been updated since the 1960s**, leading to confusion.

Proposal 1

Lift time limits to reactivating vacant storefronts

- **Currently:** Zoning allows businesses in R5-R7 districts to reoccupy vacant space, regardless of how long the non-conforming storefront has been empty.
- **Issue:** R1-R4, R8-R10, and Historic Districts are excluded from these provisions, meaning commercial spaces in these areas that are vacant for more than two years are not permitted to be re-occupied, contributing to long-term vacancies.
- **Proposal:** Expand existing provisions to all Residence Districts and Historic Districts.

This storefront is in an Historic District and cannot be reoccupied if vacant for more than 2 years



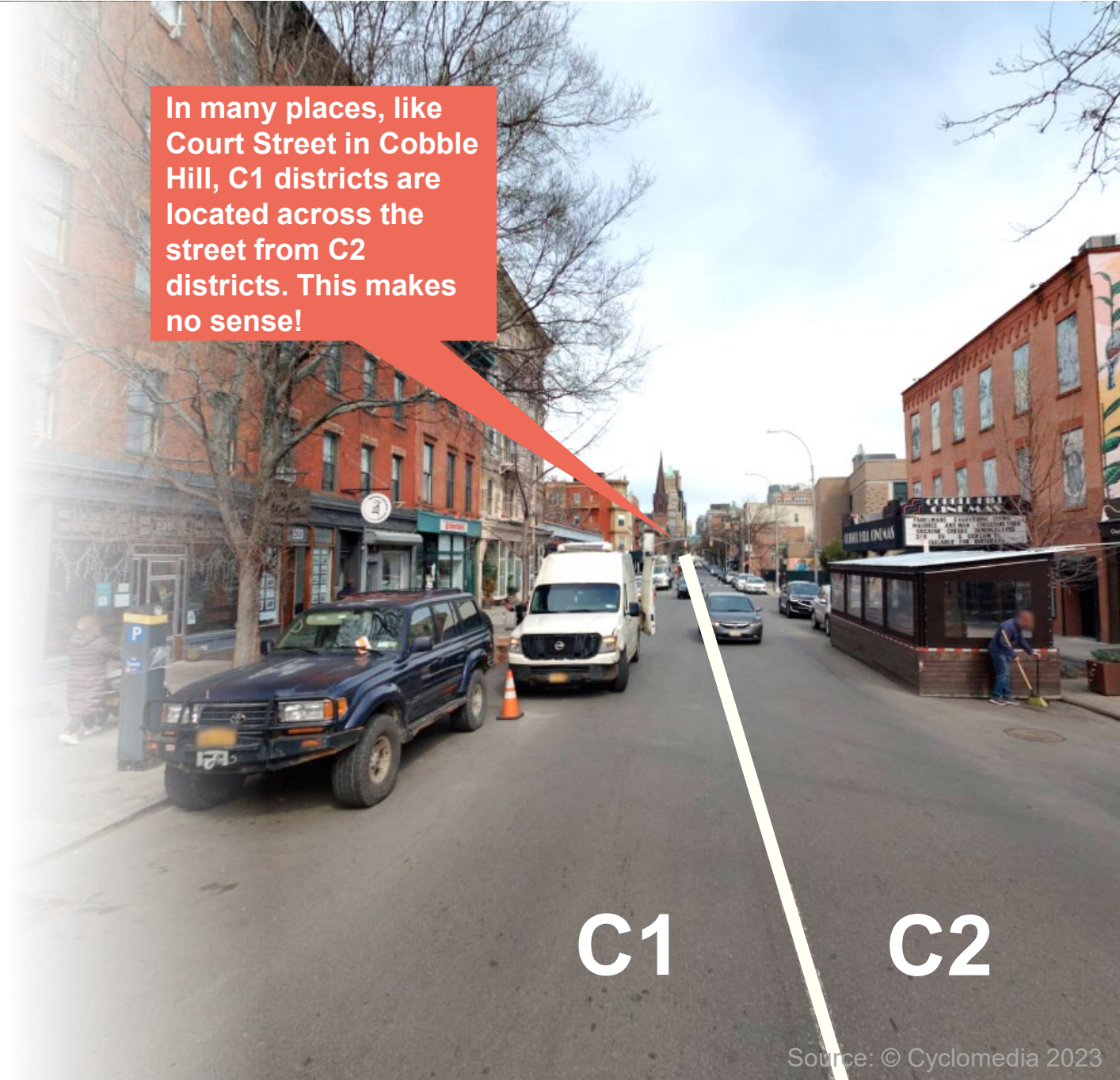
Source: © Cyclomedia 2022

Proposal 2

Simplify rules for business types allowed on commercial streets

- **Currently:** Commercial zoning districts that aim to foster similar retail environments often do not allow the same types of businesses.
- **Issue:** Common neighborhood retail businesses, such as bicycle rental shops, movie theaters, and mini-golf, face outdated restrictions on where they can locate.
- **Proposal:** Allow same businesses to locate in C1 and C2 districts, and in C4-C7 districts—creating a commonsense fix that strengthens the difference between local and regional commercial streets.
- Remove restrictions preventing particular uses in certain districts from occupying ground floor spaces

In many places, like Court Street in Cobble Hill, C1 districts are located across the street from C2 districts. This makes no sense!



Source: © Cyclomedia 2023

Current and proposed use allowances

Currently

	C1	C2
Allowed in both C1 and C2	Residential	
	Community facilities	
	Retail uses	
	Offices	
Allowed in C2 but not C1		Personal and business services
		Entertainment uses
		Transient accommodations
		Wholesale establishments



Proposal

	C1	C2
Allowed in both C1 and C2	Residential	
	Community facilities	
	Retail uses	
	Offices	
	Personal and business services	
	Entertainment uses	
	Transient accommodations	
	Wholesale establishments	

Permitted uses today

Proposed simplification

Not Permitted

Proposal 2: In detail

Current and proposed use allowances

Currently

	C4	C5	C6	C7
Allowed in C4, C5, and C6 but <u>not C7</u>	Residential			
	Community facilities			
	Retail			
	Offices			
Allowed in C4, C6, and C7 but <u>not C5</u>	Amusements / places of assembly		Amusements / places of assembly	
Allowed in C4 and C6, but <u>not C5 or C7</u>	Personal and business services		Personal and business services	
Allowed in C6 but <u>not C4, C5, or C7</u>			Personal and business services	
Allowed in C5 and C6 but <u>not C4 or C7</u>		Custom manufacturing		
		Wholesale establishments		

Proposal

	C4-C6	C7
Allowed in both C4-C6 but <u>not C7</u>	Residential	
Allowed in C4-C7	Community facilities	
	Retail uses	
	Offices	
	Amusements / places of assembly	
	Personal and business services	
	Entertainment uses	
	Custom manufacturing	
	Wholesale establishments	



Permitted uses today

Proposed simplification

Not Permitted

Ground floor use restrictions

- **Currently:** C4, C5, and some Special Purpose Districts permit uses in this district but restrict these uses from locating on the ground floor.
- **Issue:** Common neighborhood service businesses, such as dance studios, instructional facilities, and clothing rental shops, cannot locate in empty storefront spaces in many areas, arbitrary restrictions that contribute to vacancy.
- **Proposal:** Allow all permitted commercial uses to locate on the ground floor.



Source: © Cyclomedia 2019

Proposal 3

Expand opportunities for small-scale clean production

- **Currently:** Commercial Districts permit a limited range of production uses (some of which are obsolete) but exclude many kinds of production that are appropriate to locate in storefront or office settings.
- **Issue:** Maker businesses that rely on retail foot traffic or prefer to locate near customers are only permitted in less accessible industrial areas.
- **Proposal:** Allow small scale, clean production businesses in storefronts and office buildings—limited to 5,000 SF in C1/C2 districts and limited to 10,000 SF on the ground floor in C4-C7 districts.
- Uses subject to “ABC” and “Right to Know” environmental standards to ensure they are appropriate to locate near residences and other businesses.



... And other kinds of makers!

Source: PowerPoint

Proposal 4

Modernize loading dock rules so buildings can adapt over time

- **Currently:** Zoning requires that the number of loading berths be based on the mix of uses currently occupying a building, unlike parking requirements which do not change as buildings evolve over time.
- **Issue:** When existing businesses expand or new types of businesses move into an existing building, they may be required to provide more loading bays than they need. This is often unnecessary and cost-prohibitive.
- **Proposal:** Remove the mandate for new tenants in *existing* buildings to provide additional loading berths based on a change in use, allowing building occupancy to evolve over time. Includes other organizational changes to clarify and consolidate loading rules.



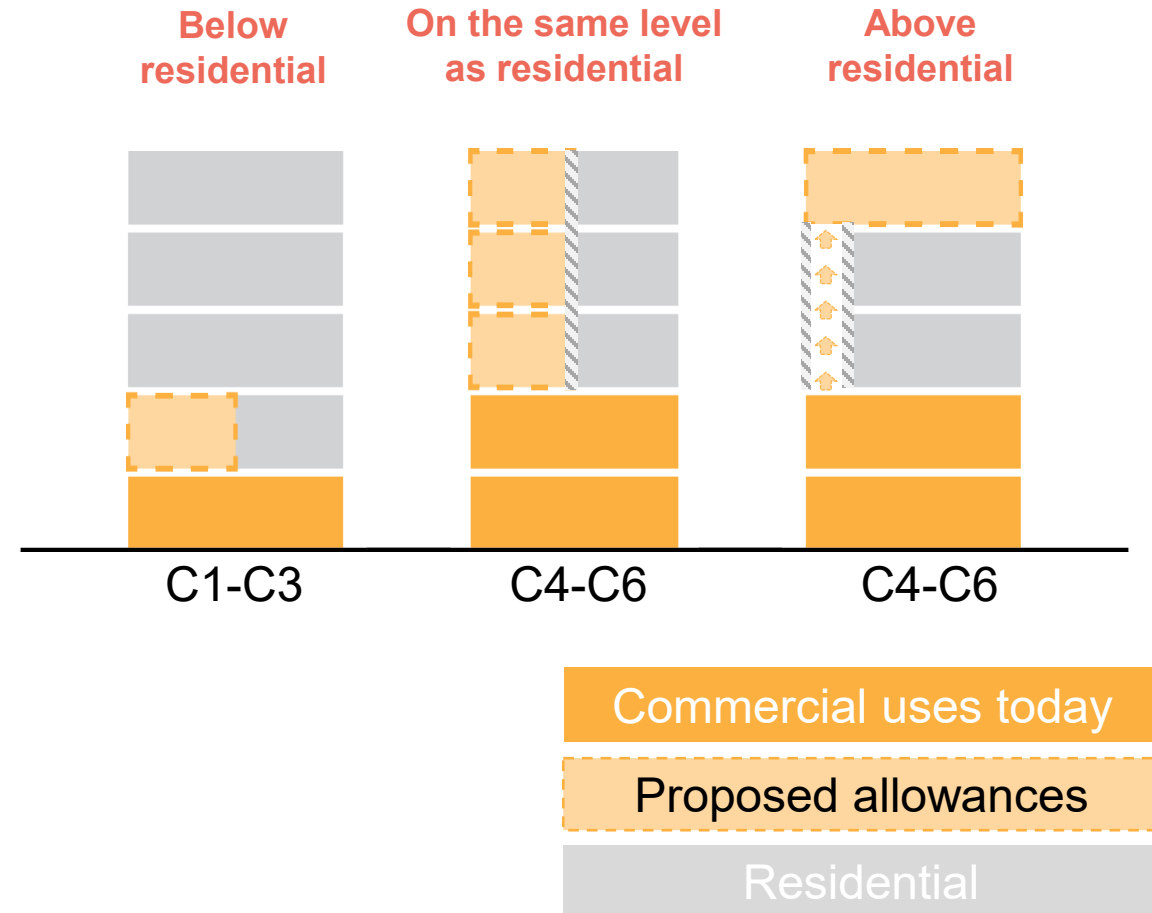
Source: DCP Staff

Proposal 5

Enable commercial activity on upper floors

- **Currently:** In some Special Purpose Districts, in MX Districts, and in areas where Article I Chapter V applies, commercial or light industrial uses may occupy the same floor or locate above residences.
- **Issue:** In the rest of the city, commercial uses are not allowed on the same level as or above residences, which limits options for buildings renovations and new mixed-use buildings.
- **Proposal: 1.** Allow commercial uses on the 2nd floor of a residential building in all commercial districts. **2.** Permit commercial above or on the same level as residences in C4, C5, and C6 districts.
- Physical separation required between residential and non-residential portions of the building. Potentially noisy uses must have minimum of 15 feet of separation or materials to attenuate any excessive sound.

Allowing mixed-use buildings in renovations & new construction



Proposal 6

Simplify and modernize the way businesses are classified in zoning

- **Currently:** Zoning relies on a 1960s classification of industries to regulate where businesses can locate and categorizes uses into “Use Groups” of businesses deemed compatible or similar at the time.
- **Issue:** Outdated use terms and inconsistent categorization results in a Zoning Resolution that is difficult for businesses to know where they can locate and what they can do in their space.
- **Proposal:** Reorganize the current Use Groups into more coherent categories based on similar sector or business type, using updated terminology based on today’s economy.
- Update Special District rules to refer to these new classifications and other adjustments that bring Special Districts into alignment with the proposal.

Currently

Current UG #	Current Use
6	Eating & Drinking Establishments
7	Bike Rental & repair
9	Arts Studio
10	Furniture Stores



Proposal

Future UG #	Future Use Group Name
1	Agriculture and Open Uses
2	Residences
3	Community Facilities
4	Public Service Facilities and Infrastructure
5	Transient Accommodations
6	Retail and Services
7	Offices and Other Workspaces
8	Recreation, Entertainment, and Places of Assembly
9	Storage
10	Production



Goal 1:

Make it easier for businesses to find space and grow

Goal 2:

Boost growing industries

Goal 3:

Enable more business-friendly streetscapes

Goal 4:

Create new opportunities for businesses to open

Goal 2 Boost growing industries

Life science laboratories face confusing and outdated rules that slow their growth in NYC.



Dancing and comedy shows are stymied in commercial areas

Businesses with **amusements** -- like mini golf or virtual reality gaming -- need clearer rules about where they can locate



Businesses with **indoor agriculture** in commercial areas face too much uncertainty today.

Proposal 7

Clarify rules to permit indoor urban agriculture

- **Currently:** Agriculture is allowed outside or in a greenhouse in any zoning district, but indoor agriculture is permitted only in M Districts.
- **Issue:** As technologies change, entrepreneurs can increasingly grow food for their communities indoors—but zoning has not kept up to allow for this activity to occur inside a building.
- Florists and plant shop owners also face confusing zoning rules on how to operate businesses with indoor and outdoor components.
- **Proposal:** Clarify how enclosure rules work to ensure that businesses with passive outdoor spaces, such as florists, can operate.
- Permit agriculture indoors in C Districts.



Source: NYC Mayor's Office of Urban Agriculture

Proposal 8

Give life sciences companies the certainty to grow

- **Currently:** Zoning uses outdated terms to define a laboratory, creating uncertainty about where safe and modern research and development can occur.
- **Issue:** Ambiguity in zoning can make building new labs difficult. An existing Special Permit to allow new commercial labs often can't be used near important research centers.
- **Proposal:** Clarify the definition of a laboratory to allow any life science business to locate in C Districts if it can meet environmental standards that protect neighbors.
- Allow commercial life sciences facilities to locate on community facility campuses by CPC Special Permit.



Source: NYC EDC

Proposal 9

Support nightlife with common-sense dancing and live entertainment rules

- **Currently:** Zoning creates confusing, arbitrary, and discriminatory rules around dancing, comedy, and music.
- **Issue:** Confusing rules lead to business uncertainty, enforcement challenges, and inconsistent quality of life protection.
- **Proposal:** Clarify zoning to regulate nightlife based on capacity of the business rather than the type of live entertainment within the operation.
- 200-person capacity on businesses in C1-C3. Larger nightlife businesses would be allowed in C4-C8, M1-M3.
- Nightlife venues still subject to permitting and enforcement by other agencies, such as DOB, FDNY, and SLA.



Source: DCP Staff

Nightlife: Current Zoning

For an **Eating or Drinking Establishment** in a C2 overlay district



Permitted:

Bar or Restaurant
with live music



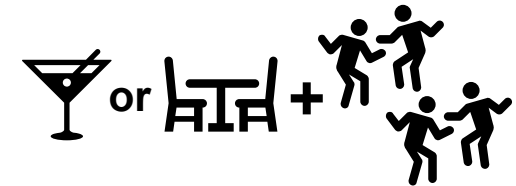
Permitted:

Bar with ticketed
musical entertainment
(but not dancing) up
to 200-person
capacity



Ambiguous:

Bar or restaurant with
incidental dancing



Not permitted:

Bar or restaurant
where dancing is
common

Nightlife: Proposal

For an **Eating or Drinking Establishment** in a C2 overlay district



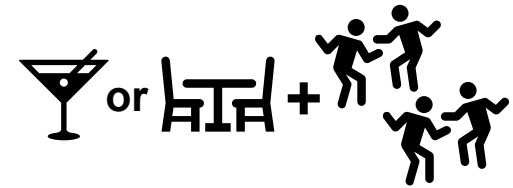
Permitted:
No change



Permitted:
No change



Permitted:
Clarify that incidental dancing is permitted in any business type

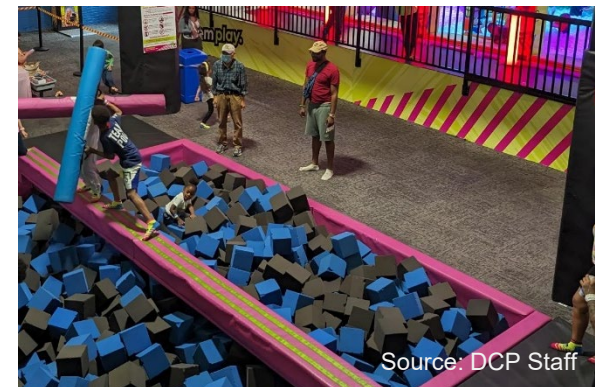
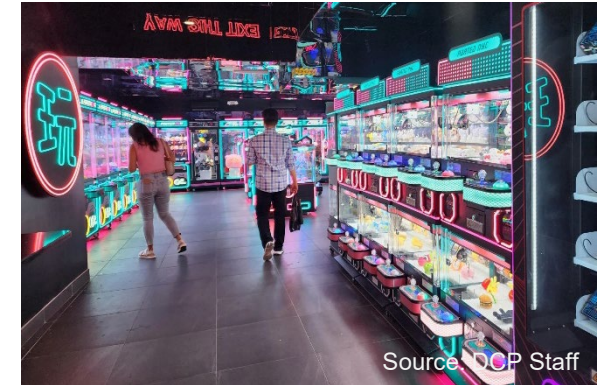


Permitted:
Dancing as a common activity in a bar or restaurant

- Permit non-musical entertainment with posted showtimes or cover charges in bars or restaurants up to 200-person capacity in C1-C3. Discretionary process available to consider capacity increases in certain circumstances.
- Over 200-person capacity businesses allowed in C4-C8, M1-M3

Create more opportunities for amusements to locate

- **Currently:** Zoning defines a limited set of amusement and recreation uses based on those popular 60 years ago, creating ambiguity for new types of experiential businesses seeking to locate along neighborhood commercial streets.
- **Issue:** New Yorkers often must travel to industrial areas to engage in activities like arcades, virtual reality, and children's entertainment due these outdated rules prohibiting some types of businesses in C Districts.
- **Proposal:** Create zoning term for Amusement or Recreation Facilities and allow these uses indoors in spaces up to 10,000 SF C1/C2 districts. Allowed indoors without limitation in C4-C7, and indoors or outdoors without limitation in C8 or M1-M3.
- Businesses in C1-C7 could apply to allow outdoor activities through a BSA Special Permit process.



Enable entrepreneurship with modern rules for home-based businesses

- **Currently:** Zoning allows for a wide range of home-based businesses, such as lawyers, jewelry makers, or music teachers. Some Special Districts expand size, employee count, and business type allowances to give even more flexibility to entrepreneurs.
- **Issue:** The pandemic changed how New Yorkers work from home, but zoning hasn't kept up—prohibiting specific occupations like barbers or interior decorators—and other restrictions that hold back business creation.
- **Proposal:** Remove list of currently prohibited business types, expand size allowance from 25% to 49% of home, and allow up to 3 employees to be associated with the home-based business.
- Maintain existing noise/environmental rules, signage limits, and restrictions on selling items not produced on-site.



Source: PowerPoint



Goal 1:

Make it easier for businesses to find space and grow

Goal 2:

Boost growing industries

Goal 3:

Enable more business-friendly streetscapes

Goal 4:

Create new opportunities for businesses to open

Goal 3 Enable more business-friendly streetscapes

Long blank walls and drive-throughs create unpleasant and unsafe conditions for people, and an unfriendly environment for business.



When **auto-related businesses spill out onto the sidewalk**, it creates safety concerns for pedestrians and breaks up commercial corridors.

Professional delivery activity frequently resorts to sidewalks because it is not allowed in buildings, except in industrial areas.



Introduce design rules that ensure buildings contribute to surroundings

- **Currently:** Dozens of Special Districts have streetscape regulations, but they inconsistently regulate conditions based on time they were adopted. Outside of Manhattan and in some Special Districts, most areas of the city do not have any zoning rules guiding street level design.
- **Issue:** Lack of consistent streetscape regulations diminishes economic vibrancy of commercial areas and can create unsafe or unpleasant conditions for pedestrians and customers.
- **Proposal:** Establish a consistent and easy to understand citywide framework for commercial ground floor design requirements that is more stringent in places with greater pedestrian activity and more flexible in auto-oriented corridors.



Planting along West Farms Road in the Bronx



Bank with parking to the side on Hylan Boulevard in SI

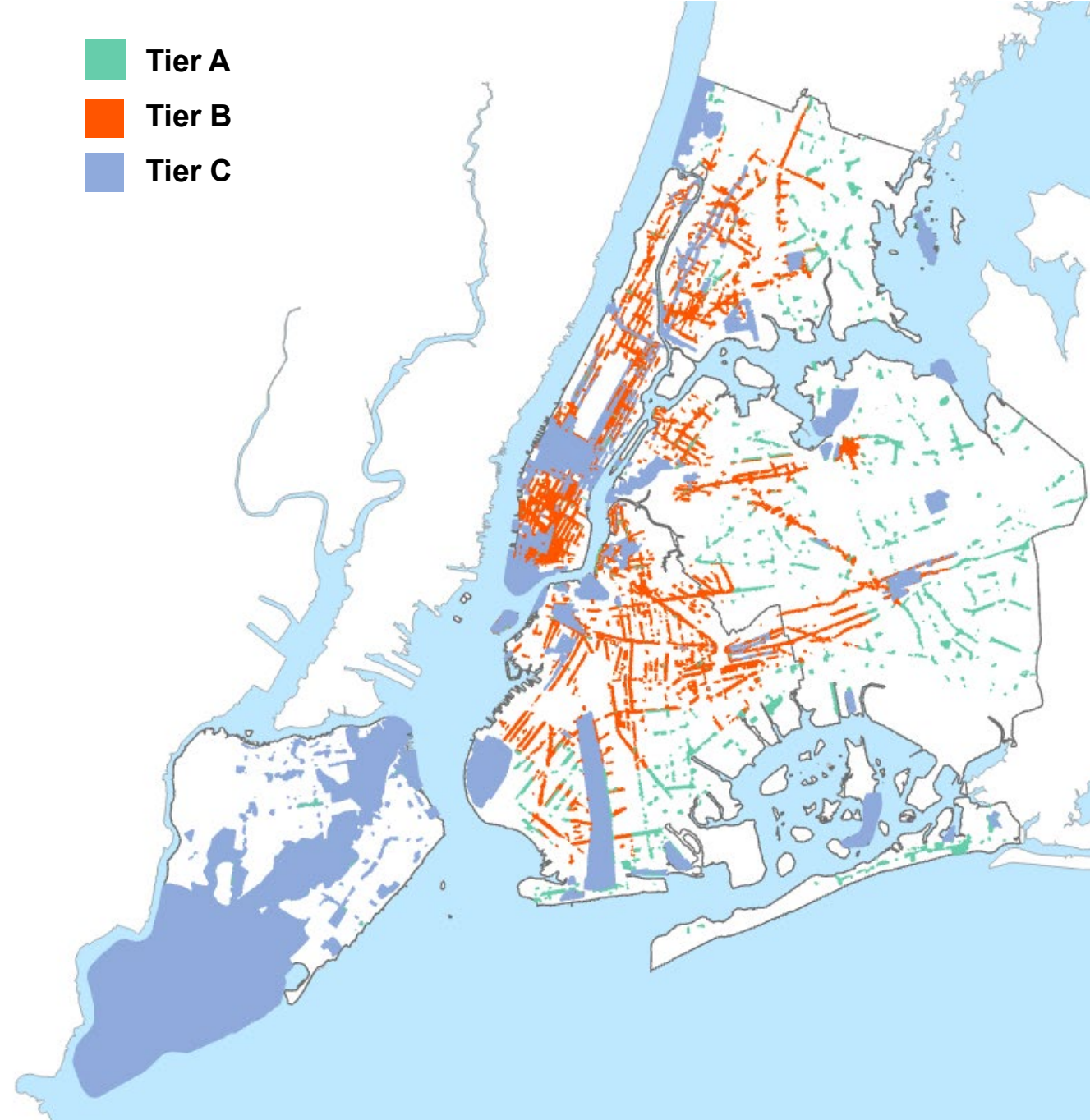
Source: © Cyclomedia 2022

Proposal 12: In detail

Introduce design rules that ensure buildings contribute to surroundings

- Tier A
- Tier B
- Tier C

	Applicable Geographies	Regulates
Tier A	Streets in C1-C2, C4-C7 districts and in MX Districts	Parking location, Drive-throughs, Blank walls
Tier B	Streets in C1-C2, C4-C7 districts and in MX Districts (within the Transit Zone)	Tier A rules, plus: Ground floor residences, Lobby length, Minimum transparency, Parking enclosure, Curb cut location
Tier C	Designated streets in Special Purpose Districts and other geographies	Tiers A & Tier B rules, plus more robust list of building elements
<i>Excluded</i>	<i>Within 1,000 feet of highway entrance or large shopping center far from transit</i>	



Proposal 13

Reduce conflicts between auto repair shops and pedestrians

- **Currently:** Auto servicing and repair uses are mostly restricted to industrial areas, but today exceptions allow for servicing certain parts of a vehicle in C2 and C4 districts.
- **Issue:** In practice, some businesses conduct heavy industrial servicing and vehicle storage on neighborhood sidewalks and retail streets, which can create unsafe conditions for residents.
- **Proposal:** Rationalize and consolidate the range of auto servicing uses into two, zoning-defined categories: Light and Heavy Vehicle Repair and Maintenance Shops. Heavy repair shops must be registered with the New York State DMV and would be allowed in C8 and M districts.
- Allow new Light auto servicing uses in C1-C7 districts to locate only by BSA Special Permit.



Source: © Cyclomedia 2023

Proposal 14

Encourage safe and sustainable deliveries with micro-distribution

- **Currently:** Zoning does not allow for most forms of goods delivery to occur within buildings in Commercial Districts.
- **Issue:** Delivery activity often occurs only on sidewalks and streets, exacerbating truck congestion and leading to conflicts with pedestrians and cyclists.
- **Proposal:** Create a new use for Micro-Distribution Facilities so delivery activity can locate at a small scale closer to homes and offices.
- Limited to 2,500 SF in C1/C2 districts, and up to 5,000 SF on the ground floor in C4-C7 districts.
- Larger spaces available only by BSA Special Permit or CPC Special Permit.
- Streetscape rules would prohibit papering over of windows to deter “dark stores.”



Source: DCP Staff



Goal 1:

Make it easier for businesses to find space and grow

Goal 2:

Boost growing industries

Goal 3:

Enable more business-friendly streetscapes

Goal 4:

Create new opportunities for businesses to open

Goal 4 Create new opportunities for businesses to open

Residential campuses like NYCHA should provide residents better **access to goods and services**



Our manufacturing districts need to better reflect needs of current and future businesses



Our rules **limit the shape of certain new buildings**, such as film studios



Proposal 15

Facilitate local commercial space on residential campuses

- **Currently:** Many large-scale residential campuses, such as NYCHA, are zoned as Residence Districts, so local retail, services, and maker-spaces cannot easily locate.
- **Issue:** No zoning tools exist to allow commercial uses on residential campuses other than a full area-wide rezoning, which may be too costly, time-consuming, or not appropriate for many locations.
- **Proposal:** Create a CPC Authorization that gives NYCHA and other large-scale residential sites the ability to include commercial up to 15,000 SF.
- Subject to both environmental review and Community Board approval.
- Approval only if development would not create traffic congestion or environmental concerns.



Source: © Cyclomedia 2023

Proposal 16

Create process for allowing new corner stores in residential areas

- **Currently:** Zoning does not have tools to permit small-scale stores in residential areas.
- **Issue:** Residential areas of the city prohibit all new stores, which means new neighborhood services can never open in large swaths of the city.
- **Proposal:** Create a CPC Authorization to allow up to 2,500 SF of commercial use within 100 feet of an intersection.
- Subject to both environmental review and Community Board approval.
- Approval only if development would not create traffic congestion or environmental concerns.



Source: © Cyclomedia 2023

Rationalize waiver process for business adaptation and growth

- **Currently:** Many growing businesses run into physical constraints of zoning that are incompatible with business expansion plans. For instance, a soundstage requires high walls, which conflict with zoning limitations on maximum street-wall heights in many districts. Or, a clothing store may be so successful that it wants to take over the next storefront, but discovers it is size-limited in many C districts.
- **Issue:** Today these businesses may have no paths forward.
- **Proposal:** Rationalize and supplement existing BSA permits to allow for any business type to seek limited modifications to size, enclosure, or location of use via BSA Special Permit. Significant (more than double) size increases would require public process via CPC Special Permit.
- Create new CPC Authorization for bulk modifications, including yard and setback requirements.




Source: © Cyclomedia 2022

Proposal 18

Create new kinds of zoning districts for future job hubs

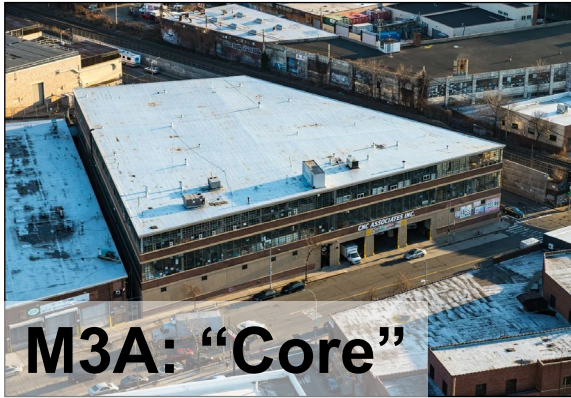
- **Currently:** No new zoning tools have been created in 60+ years for non-residential zones, and current tools are functionally obsolete.
- **Issue:** Current zoning in most industrial areas favors low-scale warehouse construction, preventing the construction of new multi-story buildings to support growing jobs, particularly near transit.
- **Proposal:** Create a range of new job-intensive zoning districts to allow for modern loft-style buildings by permitting higher densities, more flexibility on permitted building form, and right-sized parking and loading requirements.



Current zoning make it impossible to replicate the building on the right in new construction.

Source: © Cyclomedia 2023

Create new kinds of zoning districts for future job hubs



For strongly industrial context to allow modest expansion opportunities for legacy industry and future critical infrastructure

FAR limitations on all non-industrial uses



For traditional industrial areas where a balance of mixing & preservation is warranted.

Incentivizes industrial uses via higher FAR



Suitable near residences & a mix of commercial activity, near transit.

Allows greatest flexibility for mixed use



New type of commercial district with CBD (C4-C6) uses but same bulk regulations as M1A.

- All new zoning district types include long-requested reforms for bulk to allow more loft-like buildings and no parking requirements inside the Expanded Transit Zone.
- New districts would not be “mapped” to specific geographies through City of yes. Existing M districts will still exist and would not be affected by these new district options.

Racial equity report

As a zoning text amendment affecting more than 5 community districts, this proposal is subject to the racial equity reporting requirement.

The proposal serves as an important step to meet the City's equity goals by alleviating regulatory burdens for businesses and enabling future economic opportunities. These zoning changes will help promote generation of more inclusive growth for the City.

Due to the nature of this proposal, no increases in residential space, non-residential space, or other development activity are anticipated. Therefore, analysis of residential affordability, employment, or construction jobs is not applicable.





Thank you!